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## STEPHENS PROCESS &amp; PARALEGAL SERVICES

BOX 91, GERONIMO, TX 78115

Austin: 512-638-1379

San Antonio: 830-303-8285

Fax: 830-303-5222

## FAX COVER SHEET

TO: Office of Petitions FAX NO. 571-273-8300DATE: 6/5/07 TIME: 2:25 (A.M.) (P.M.)PAGES INCLUDING THIS PAGE 7

## COMMENTS:

Dear Sir or Madam:

As per instructions from Chirene in the Petition Office, I am resending this application with the return post card. Apparently your office received the package and cashed the check, which is reflected in your records, but the rest of the paperwork is not to be found. Please contact me at one of the above phone numbers with any questions. You might also note that this application is getting quite old.

Thanks,  
Michael Stephens

This facsimile contains privileged and confidential information intended only for the addressee. If you are not the addressee or the person responsible for delivering it to the addressee, please be advised that divulging any confidential information contained in the facsimile is prohibited. If you have received this facsimile in error, please immediately notify me by telephone and return the original facsimile to me at the above address via the U.S. Postal Service. You will be reimbursed for long distance and postage charges. Thank you.

stephensprocess@hotmail.com

JUN 5 2007

PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

JDK 2000-002

First named inventor: Joshua D. KraftApplication No.: 09/785,757Art Unit: 3628Examiner: NGA B. NGUYENFiled: 02/20/2001Title: Portable Audio system Housing a Reloaded  
Purchaser Selected Library of MP3 Compressed  
Music Titles Stored on a Hard Disc.Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. CHECK☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of REQUEST FOR CONTINUED EXAMINATION (RCE) (identify type of reply):☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9189 and select option 2.

JUN 05 2007

SN 09/785,757

PTO/SB/64 (09-08)  
Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).] **SEE ATTACHED STATEMENT****WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

J. B. Kraft  
Signature

J. B. KRAFT, Attorney  
Typed or printed name

710 Colorado ST. #5C  
Address

AUSTIN TX. 78701  
Address

11/28/06  
Date

19,226

Registration Number, if applicable

(512) 473-2802

(512) 567-4732  
Telephone Number

Enclosures: ☒ Fee Payment☒ Reply RCE Form☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Dec 14 3 2006  
Date

J. B. Kraft  
Signature

J. B. KRAFT  
Typed or printed name of person signing certificate

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CENTRAL FAX CENTERPATENT  
09/785,757

JUN 05 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 3628  
: Examiner N. B. Nyugen  
Joshua Dickinson Kraft : Customer No. 46,242  
Serial No: 09/785,757 :  
Filed: 02/20/2001 :  
Title: PORTABLE AUDIO SYSTEM :  
HOUSING A PRELOADED PURCHASER :  
SELECTED LIBRARY OF MP3 :  
COMPRESSED MUSIC TITLES :  
STORED ON A HARD DISK DRIVE :  
Date: 11/28/06 :

Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT (ITEM 4) ACCOMPANYING PETITION FOR REVIVAL FOR  
PATENT APPLICATION ABANDONED UNINTENTIONALLY 37CFR1.137(b)

After the Final Rejection mailed 02/13/06, I mailed a Request for Continued Examination (RCE) on 03/20/06 which was received in the U.S. Patent Office on 03/23/06 as evidenced by the attached (Exhibit A): copies of stamped return post card and my cancelled check No. 3461, dated 3/20/06 for the \$395.

As has been now brought to my attention, the RCE form and my fee check submitted on 3/20/06 erroneously and unintentionally referred to this Application as "SN. 09/875,757" instead of the correct "SN. 09/785,757". This apparently resulted in the RCE form being misdirected to another application file in the U.S. Patent Office.

As a result, a Notice of Abandonment was mailed on October 23, 2006.

JDK002

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PATENT  
09/785,757

Immediately upon receipt of this Notice of Abandonment, on October 27, 2006, an Inquiry Letter was submitted to Group 2638.

When no response to the Inquiry Letter was forthcoming, the staff of the undersigned telephoned Examiner H. S. Sough, and, on November 28, 2006 was advised of the mislabelling of the previously submitted RCE.

Upon learning of this error, Applicant immediately prepared the instant Petition for Revival.

Applicant recognizes that Applicant's error in the Serial Number unintentionally contributed to the Abandonment, and have submitted this petition without delay.

It is respectfully requested that the previously submitted check for \$395 for the RCE, which was cashed by the U.S. Patent Office be applied as the fee for the present RCE.

Respectfully submitted,

*J. B. Kraft 11/28/06*  
J. B. Kraft  
Attorney for Applicant  
Registration No. 19,226  
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

J. B. Kraft  
710 Colorado St., 5C  
Austin, Texas 78701  
(512) 473-2303  
facsimile (512) 473-8803

JDK002

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Received in US Patent Office  
SN: 09/785,757  
Petition for Revival  
Check No. 3537 Revival Pat. Fee  
for \$750  
Request for Continued Examination  
(RCE)

